

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:02-CR-262

v.

HON. ROBERT HOLMES BELL

WILLIE JOE BRIMITE,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #70). The Probation Report of Eligibility indicates defendant appears to be ineligible for consideration of modification of sentence (docket #81). Defendant has filed an objection to the report (docket #85).

Defendant was sentenced to the mandatory minimum of 240 months in custody at the time of sentencing on June 20, 2003. The Sentencing Guidelines provide that "where a statutorily required minimum sentence is greater than the maximum of the applicable guideline range, the statutorily required minimum sentence shall be the guideline sentence." USSG §5G1.1(b). Since Amendment 750 does not result in a lower guideline range due to the mandatory minimum sentence imposed, defendant is not eligible for a sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10.

Date: October 4, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE